~~TOP SECRET//COMINT//NOFORN//20320108~~

NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

10 December 2007

MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//~~FOUO~~) Report to the Intelligence Oversight Board on NSA Activities - INFORMATION MEMORANDUM

(U//~~FOUO~~) Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that any intelligence activities of the National Security Agency during the quarter ending 30 September 2007 were unlawful or contrary to Executive Order or Presidential Directive, and thus required to be reported pursuant to Section 1.7.(d) of Executive Order 12333.

(U//~~FOUO~~) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by means of inspections, surveys, training, review of directives and guidelines, and advice and counsel. These activities and other data requested by the Board or members of the staff of the Assistant to the Secretary of Defense (Intelligence Oversight) are described in the enclosure.

George Ellard
GEORGE ELLARD
Inspector General

Vito T. Potenza
VITO T. POTENZA
General Counsel

(U//~~FOUO~~) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

K B Alexander
KEITH B. ALEXANDER
Lieutenant General, U. S. Army
Director, NSA/Chief, CSS

Encl:
Quarterly Report

Approved for Release by NSA on 12-19-2014, FOIA Case # 70809 (Litigation)

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This Memorandum is Unclassified
Upon Removal of Enclosure

1. (U//~~FOUO~~) Intelligence, counterintelligence, and intelligence-related activities that violate law, regulation, or policy substantiated during the quarter, as well as any actions taken as a result of the violations.

(U) **Intelligence Activities**

~~(TS//SI//REL TO USA, FVEY)~~ **Unintentional collection against United States (U.S.) persons.** [redacted] instances in which Signals Intelligence (SIGINT) analysts inadvertently collected communications to, from, or about U. S. persons while pursuing foreign intelligence tasking were reported this quarter. All collection has been terminated and all intercepts and reports were deleted or destroyed as required by USSID SP0018.

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(b)(3)-P.L. 86-36

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(b)(3)-50 USC 3024(i)

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] of those instances occurred during [redacted]

~~(S//SI//REL)~~ There were [redacted] instances of unintentional collection resulting from poorly constructed database queries, and one incident resulting from human error. In the latter case, the analyst neglected [redacted]

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~~(S//SI//REL)~~ On [redacted] occasions, targets initially thought to be legitimate and foreign were later found to hold U.S. citizenship or permanent resident status after they were tasked for collection. On [redacted] occasions, the targets [redacted] Another target used [redacted] during travel to the United States.

~~(TS//SI//NF)~~ [redacted] it was discovered that the telephone numbers of a target, identified as a U.S. person [redacted] (reported in the third quarter report), were not properly removed from a database. Although collection ceased [redacted] the numbers were included in a recent query of the database. Upon recognition, the numbers were immediately removed from the database.

~~(S//SI)~~ Additionally, in one incident, while [redacted]

After confirming that the communicant is a U.S. person, the FBI [redacted]

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Dated: 20070108
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submitted a request, still pending, for Attorney General approval to target the communicant overseas under Section 2.5, Executive Order 12333.

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~~(S//SI//NF)~~ Although a targeted company claimed to be a foreign entity, it was later found to be incorporated in the United States, thus collection occurred against a U.S. affiliate.

~~(S//SI//NF)~~ A telephone number known to have belonged to an authorized target resulting in collection on U.S. persons

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~~(S//SI//NF)~~ The Protect America Act of 2007 (PAA), enacted on 5 August 2007, amends the FISA. To ensure the "foreignness" of a target as required by the PAA, This risk reduction measure identified incidents in in the United States. In instances, as required by the PAA, collection was suspended immediately until the target left the United States. In one instance, analysts noted the target's presence in the United States, but resulting in detasking delays and in unauthorized collection. Corrective actions have been taken to lessen the risk of recurrence, including changes to internal control procedures. In instances, the foreignness of valid targets was not confirmed when PAA was implemented resulting in unauthorized collection when the targets were later found to be in the United States.

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~~(TS//SI//NF)~~ **Foreign Intelligence Surveillance Act (FISA) collection.** There are FISA collection incidents to report this quarter. All collection has been terminated and all intercepts were deleted or destroyed as required by USSID SP0018.

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~~(TS//SI//NF)~~ there were separate incidents in which the Branch inappropriately tasked targets for collection. In incidents from collection suspensions were not implemented while the targets were in the United States because of software problems with collection assets, resulting in continued collection on until the mistake was noted. No transcripts or reports were generated based on the collection. New procedures were implemented to insure that proper notification takes place in the future. In incidents, NSA analysts determined that the telephone numbers were targets after initiating collection. In one instance, NSA was acting on incorrect and in the other,

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~~(S//SI//NF)~~ analysts recognized that an authorized target used the United States on Although was detasked upon recognition, resulting in continued collection for several days after recognition. No reports were issued based on the collection. Management reviewed the procedures regarding these incidents to insure proper notification in the future.

~~(TS//SI//NF)~~ **Unauthorized dissemination of FISA data.** an analyst forwarded FISA data to a which was not authorized to receive such data. personnel discovered the mistake, destroyed all the data, and cancelled the report based on the information.

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~~(TS//SI//NF)~~ **Unintentional collection against U.S. persons**

In all instances, the calls were deleted immediately upon recognition in accordance with USSID SP0018 guidelines, and no reports were issued.

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(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

~~(S//SI//REL TO USA, FVEY)~~ **Unintentional dissemination of U.S. identities.** During this quarter, SIGINT products were cancelled because they contained the identities of U.S. persons, organizations, or entities. In all instances, the reports were either not reissued or were reissued with the proper minimization. additional dissemination violations resulted in unauthorized access to SIGINT data:

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~~(TS//SI//NF)~~ an NSA Branch analyst sought transcription assistance from unminimized and unevaluated voice communications from a that is not to be shared with NSA confirmed that the communications were destroyed without further distribution and were deleted from the computer hard drives analysts.

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~~(TS//SI//NF)~~ an analyst with NSA shared pieces of unminimized and unevaluated SIGINT with the OGA The recipients of the SIGINT were not authorized to view the material. The emails containing the unminimized and unevaluated SIGINT were successfully and completely recalled

(b)(3)-50 USC 3507

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(U) **Counterintelligence Activities.**

(U) Nothing to report.

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(U) **Intelligence-related Activities.**

~~(TS//SI//REL TO USA, FVEY)~~ [redacted], NSA Texas inappropriately targeted a U.S. person based on an [redacted] rather than an NSA, waiver [redacted] Upon recognition of the mistake [redacted] the telephone numbers were detasked. [redacted] analysts determined that detasking had not taken place and took temporary measures to detask the numbers that were permanently detasked [redacted]

~~(U//FOUO)~~ On [redacted] occasions during this quarter, SIGINT analysts accessed SIGINT in databases to which they improperly retained access from previous assignments. Their accounts were disabled and they received remedial training concerning the proper use of databases.

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~~(S//SI//NF)~~ **Misuse of the U.S. SIGINT System.** [redacted] a SIGINT analyst conducted database queries at the request and with the permission of [redacted] The analyst targeted the [redacted] in a SIGINT database. No information was developed and no reports were issued.

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(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

2. (U//~~FOUO~~) Intelligence Oversight Inspections.

(U//~~FOUO~~) During this quarter, the Office of Inspector General (OIG) reviewed various intelligence activities of the NSA/CSS to determine whether they were conducted in accordance with applicable statutes, Executive Orders, Attorney General procedures, and Department of Defense and internal directives. With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities.

(U//~~FOUO~~) [redacted]. Intelligence Oversight Program Management is degraded by deficiencies in the [redacted] personnel database and the process used to ensure that all personnel with [redacted] receive intelligence oversight training before they are exposed to operational or classified information. Additionally, although training is conducted as required by the DoD Regulation 5240.1-R and NSA/CSS Policy 1-23, more emphasis is needed on U.S. Signals Intelligence Directive SP0018 and National Telecommunications and Information Systems Security Directive 600 standards. The OIG will provide an update in a future report regarding actions taken by [redacted] to correct the inspection findings.

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~~(TS//SI//NF)~~ **Special Study on** [redacted] In July 2007, a review was completed to determine whether NSA [redacted]

The review did not find a pattern of errors, exaggeration of facts, or any intentional misstatements by NSA [redacted]

3. (U) Substantive Changes to the NSA/CSS Intelligence Oversight Program.

(U) Nothing to report.

4. (U) Changes to NSA/CSS published directives or policies concerning intelligence, counterintelligence, or intelligence-related activities and the reason for the changes.

(U) Nothing to report.

5. (U) Procedures governing the activities of Department of Defense (DoD) intelligence components that affect U.S. persons (DoD Directive 5240.1-R, Procedure 15) Inquiries or Matters Related to Intelligence Oversight Programs.

(U) Nothing to report.